

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

X

TANYA GIULIANO,

Index No.: _____
Filed: _____

Plaintiff,
-against-

Plaintiff designated
Westchester County as
the place of trial

BJ'S WHOLESALE CLUB, INC. and BJ'S
WHOLESALE CLUB HOLDINGS, INC.,

SUMMONS

The basis of venue is
Plaintiff's place of
residence at:
2398 Trelawn Street
Yorktown Heights, NY 10598

Defendants.

X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: Bronx, NY
March 3, 2021


Yelena Gordiyenko, Esq.
LAW OFFICES OF

ALEXANDER BESPECHNY
Attorney for Plaintiff
TANYA GIULIANO
2360 Westchester Avenue
Bronx, NY 10462
718-792-4800

TO: **BJ'S WHOLESALE CLUB, INC.**
C T Corporation System
111 Eighth Avenue
New York, NY 10011

BJ'S WHOLESALE CLUB HOLDINGS, INC.
C T Corporation System
111 Eighth Avenue
New York, NY 10011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

X

Index No.:

TANYA GIULIANO,

Plaintiff,

-against-

VERIFIED
COMPLAINT

TRIAL BY JURY
DEMANDED

BJ'S WHOLESALE CLUB, INC. and BJ'S
WHOLESALE CLUB HOLDINGS, INC.,

Defendants,

X

State of New York)
)
 s.s.:
County of Bronx)

Plaintiff, by her attorney, the LAW OFFICES OF ALEXANDER BESPECHNY, as and
for her VERIFIED COMPLAINT, respectfully alleges, upon information and belief:

1. Plaintiff, **TANYA GIULIANO** was and still is a resident of Westchester County and
State of New York.
2. Upon information and belief the Defendant, **BJ'S WHOLESALE CLUB, INC.**, at
all times herein mentioned was and still is a corporation, partnership, sole
proprietorship, and/or a limited liability company, duly organized and existing under
and by virtue of the laws of the State of New York.
3. Upon information and belief the Defendant, **BJ'S WHOLESALE CLUB, INC.**,
transacted business within the State of New York.
4. Upon information and belief the Defendant, **BJ'S WHOLESALE CLUB
HOLDINGS, INC.**, at all times herein mentioned was and still is a corporation,

partnership, sole proprietorship, and/or a limited liability company, duly organized and existing under and by virtue of the laws of the State of New York.

5. Upon information and belief the Defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, transacted business within the State of New York.
6. At all times hereinafter mentioned, Defendant, **BJ'S WHOLESALE CLUB, INC.** was and still is the owner, lessor, lessee, and/or renter of the premises/wholesale store located at 3303 Crompton Road, Yorktown, NY 10598.
7. At all times hereinafter mentioned, Defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.** was and still is the owner, lessor, lessee, and/or renter of the premises/wholesale store located at 3303 Crompton Road, Yorktown, NY 10598.
8. Defendant, **BJ'S WHOLESALE CLUB, INC.**, its agents, servants and/or employees operated, constructed, managed, controlled, supervised, repaired, cleaned, maintained, inspected, and leased the aforesaid premises/wholesale store
9. Defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, its agents, servants and/or employees operated, constructed, managed, controlled, supervised, repaired, cleaned, maintained, inspected, and leased the aforesaid premises/wholesale store.
10. Defendant, **BJ'S WHOLESALE CLUB, INC.**, its agents, servants and/or employees provided operated, constructed, managed, controlled, supervised, repaired, cleaned, maintained, inspected and leased the aforesaid premises/wholesale store in an unsafe, hazardous and dangerous condition.
11. Defendant, **BJ'S WHOLESALE CLUB HOLDINGS, INC.**, its agents, servants and/or employees provided operated, constructed, managed, controlled, supervised,

repaired, cleaned, maintained, inspected and leased the aforesaid premises/wholesale story in an unsafe, hazardous and dangerous condition.

12. On or about October 22, 2020, at approximately 2:30 p.m., as Plaintiff, **TANYA GIULIANO** was a lawful customer and patron on the aforesaid premises/wholesale store located at 3303 Crompond Road, Yorktown, NY 10598, she was caused to slip, trip and fall by reason of a dangerous, unsafe and defective condition which constituted a hazardous condition to those lawfully traversing the aforesaid premises/wholesale store.
13. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of the Defendants, **BJ'S WHOLESALE CLUB, INC. and BJ'S WHOLESALE CLUB HOLDINGS, INC.**, their agents, servants and/or employees in the ownership, operation, management, maintenance, inspection, control, repair and supervision of the aforesaid premises/supermarket.
14. Solely as a result of the Defendants, their agents, servants and/or employees' negligence, carelessness and recklessness, Plaintiff, **TANYA GIULIANO** was caused to suffer severe and serious personal injuries to mind and body, and further, that Plaintiff was subjected to great physical pain and mental anguish.
15. The Defendants, their agents, servants and/or employees had actual notice of the said dangerous, unsafe and defective condition, and did cause and create said dangerous, unsafe and defective condition, and were present upon the premises and/or place of business by its agents, servants and/or employees, and actual notice was given to the Defendants, their agents, servants and/or employees of the bedroom ceiling prior to this accident.

16. The Defendants, their agents, servants and/or employees, had constructive notice of the dangerous, unsafe and defective condition at the aforesaid location in that the dangerous and defective condition existed for a sufficient period of time prior to the accident that the Defendants, their agents, servants and/or employees, either knew of the defective condition, or should have known of the dangerous and defective condition prior to the accident.
17. The aforesaid occurrence was caused by the negligence of the Defendants, their agents, servants and/or employees without any culpable conduct on the part of Plaintiff, **TANYA GIULIANO**.
18. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.
19. That by reason of the foregoing negligence on the part of the Defendants, the Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

WHEREFORE, the Plaintiff demands a judgment against the Defendants in this action, in an amount that exceeds the jurisdictional limit of all lower courts that would otherwise have jurisdiction, together with interest and all costs and disbursements of this action, and such other and further relief this Court deems just and proper.

Dated: Bronx, NY
March 3, 2021



Yelena Gordiyenko, Esq.

LAW OFFICES OF
ALEXANDER BESPECHNY
Attorney for Plaintiff
TANYA GIULIANO
2360 Westchester Avenue

Bronx, NY 10462
718-792-4800

TO: **BJ'S WHOLESALE CLUB, INC.**
C T Corporation System
111 Eighth Avenue
New York, NY 10011

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C T Corporation System
111 Eighth Avenue
New York, NY 10011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Westchester

Tanya Giuliano

X
Index No.:

Plaintiff(s),

-against-

VERIFICATION

BJ's Wholesale Club Inc. and
BJ's Wholesale Club Holdings
Inc.
Defendant(s).

STATE OF NEW YORK)
 }
 } S.S.:
COUNTY OF Bronx)

X

Tanya Giuliano, being duly sworn deposes and says that he is the plaintiff in the above-entitled action; that he has read the foregoing SUMMONS & COMPLAINT, and knows the contents thereof and that the same is true to his knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters he believes them to be true.

Dated: 3/3/21
Bronx, New York

X Tanya C

Sworn to before me this 3rd
day of March, 2021

Notary Public

YELENA GORDIYENKO
NOTARY PUBLIC-STATE OF NEW YORK
No. 02GO6373003
Qualified in Bronx County
My Commission Expires 04-02-2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

TANYA GIULIANO,

X

Index #:

Plaintiff,

-against-

BJ'S WHOLESALE CLUB, INC. and BJ'S
WHOLESALE CLUB HOLDINGS, INC.,

Defendants,

X

**SUMMONS AND VERIFIED
COMPLAINT**

LAW OFFICES OF
ALEXANDER BESPECHNY
Attorneys for Plaintiff
TANYA GIULIANO
2360 Westchester Avenue
Bronx, NY 10462
(718) 792-4800
